

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

DAVID DAVIS,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 3:06-cv-00544-WHA
)	
PHENIX CITY, ALABAMA, <u>et al.</u>)	
)	
)	
Defendants.)	
_____)	

PLAINTIFF'S LIST OF EXHIBITS

Come now the Plaintiff in the above styled cause and list their trial exhibits as follows:

Exhibit No.

1. Phenix City Performance Appraisal for Davis Davis, 2003/2004.
2. City Charter and Related Laws, Article I, Section 1.01 through and including Section 11.04.
3. Phenix City Merit System Rules and Regulations.
4. Section 2.054 of the City's Merit System Rules and Regulations.
5. Phenix City Fire Department ASOP 12, dated January 1998.
6. Letter from David Davis, in his capacity as (then) Vice President, Local 3668, Phenix City Firefighters Association to City Fire Chief Jerry Prater, dated January 25, 2005.
7. Newspaper article from the Columbus Ledger-Enquirer, mid-September, 2005, titled "Three-alarm Turmoil".
8. Collection of letters to the editor and newspaper articles regarding the Phenix fire department and its personnel.

9. Statement of David Davis addressed to "To whom it may concern," dated September 20, 2005.
10.
 - a) Statement of Robert Gaskin, dated September 20, 2005.
 - b) Statement of Scotty Johnson, (undated), referencing a union meeting on September 13, 2005.
 - c) Statement of William E. Miles, (undated), referencing a union meeting on September 13, 2005.
 - d) Statement of Lance M. Wagner, (undated), referencing a meeting with a journalist from the Columbus Ledger-Enquirer newspaper.
 - e) Statement of Sergeant Land, (undated), referencing a meeting with a journalist from the Columbus Ledger-Enquirer newspaper.
 - f) Statement of Brannon Wilkinson, dated September 20, 2005.
 - g) Statement of Robert Bowden, dated September 20, 2005.
 - h) Statement of James Marcus, dated September 20, 2005.
11. Memorandum from Fire Chief Wallace Hunter to "Members of the Phenix City Fire Department", dated September 20, 2005, signed at bottom by David Davis (Attaching copy of Merit System Rules and Regulations Section 2.054 and Section 15.02).
12. Memorandum from City Manager H.H. Roberts to "All Employees", dated September 20, 2005, signed at bottom by employee Ruth Friedman (attaching copy of Merit System Rules and Regulations Section 2.054 and Section 15.02).
13. Paper titled "Counseling Form", referencing David Davis, dated September 21, 2005, and signed by Kenneth Johanson on September 20, 2005.
14. Memo from Deputy Chief Roy Waters to Fire Chief Hunter dated February 6, 2006, regarding "Letter to Mr. H.H. Roberts".
15. Letter from IAFF General President Harold A. Schaitberger to City Manager H.H. Roberts, dated January 31, 2006.
16. Letter from H.H. Roberts to Harold Schaitberger, dated February 14, 2006.

17. City Ordinance No. 2006-13, dated April 18, 2006.
18. Phone message regarding telephone call from David Davis, dated April 17, 2006.
19. Statement from David Davis to Fire Chief Wallace Hunter, dated April 19, 2006.
20. Memorandum from Fire Chief Wallace Hunter to H.H. Roberts, dated April 20, 2006, regarding "Sergeant David Davis Merit System and S.O.P. Violations".
21. Written Warning Form, dated April 20, 2006, referencing David Davis, signed by Chief Hunter, City Personnel Director Barbara Goodwin, Deputy Chief Roy Waters and David Davis.
22. End of Employment Form, dated April 21, 2006, signed by Chief Hunter, Ms. Goodwin and David Davis.
23. Memo from David Davis to Personnel Director Barbara Goodwin, dated April 28, 2006, referencing Davis' appeal to Personnel Review Board.
24. Decision of City's Personnel Review Board, dated May 16, 2006, upholding decision to terminate David Davis (and attached papers regarding attendees at the hearing).
25. Letter-decision of City Manager H.H. Roberts to David Davis, dated May 18, 2006 accepting recommendation of Personnel Review Board, and upholding termination of David Davis.
26. Article in Columbus Ledger Enquirer in April, 2006 regarding termination of David Davis.
27. Letter from Field Services Representative Thomas H. Malone to City Manager H.H. Roberts, dated March 7, 2005.
28. Papers and calculations regarding plaintiff's claim of lost compensation and benefits (to be provided in a timely and complete manner).
29. Memorandum from Assistant Chief Hanson to Chief Hunter, dated September 21, 2005, re: Verbal Counseling with D/E Karl Taylorson

Respectfully submitted,

s/Douglas L. Steele

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CERTIFICATE OF SERVICE

I hereby certify that I have this the 4th day of January, 2008 I served a copy of the foregoing to all attorneys of record by placing a copy of same in the United States Mail, postage prepaid and properly addressed as follows:

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s/Douglas L. Steele
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